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SUBJECT: Indonesian National Police Adopt Use of Force Policy

#### Summary

¶1. (U) After over a year of collaboration with the INL-funded DOJ ICITAP Program, the Indonesian National Police (INP) has adopted a Use of Force Policy commensurate with international human rights and policing standards. Police Chief Danuri signed into decree the Use of Force Police Action Policy on January 15, which was approved by the Ministry of Law and Human Rights On January 30. The policy includes a Use of Force Resistance Control Form that must be completed whenever force is used or whenever a citizen or police officer is injured as a result of the use of force. This is a major step forward in the implementation of modern law enforcement policy in addressing the professional conduct and accountability of the INP.

End Summary

#### Why a Use of Force Policy is Important

¶1. (U) Modern democratic law enforcement organizations have Use of Force policies that provide guidelines on proportionate levels of force to be used by a police officer based on the specific threat level presented. Without a UOF policy that meets or exceeds international standards it is difficult to hold an officer or an organization accountable for use of force actions taken by a police officer in the course of his/her duties. The development of specific written policies such as the UOF ensures deeper and more institutional commitment to human rights than is provided by the outside delivery of human rights training alone.

¶2. (U) The INP and ICITAP formed a UOF Working Group in late 2007 to discuss the feasibility and structure of a UOF policy that would meet international standards and be culturally appropriate for the INP organization. The sessions were numerous and often contentious as the draft went through multiple levels of review. The draft policy and revisions were discussed throughout INP commands to include the provincial police chiefs, Legal Division, Inspector General, and PROPAM (Internal Affairs). Accompanying the policy is a Use of

Force Resistance Control Reporting Form, a required document to be completed anytime an INP unit or officer uses a level of force defined by policy resulting in injury or death to either a citizen or an officer.

13. (U) No other ASEAN law enforcement organization has developed or implemented a Use of Force Policy and Resistance Control Reporting Form this comprehensive. Indonesia is again showing regional leadership on an important human rights policy.

### III. Policy Highlights

11. (U) The INP UOF Policy has seventeen (17) articles. The articles define the purpose of the policy, use of force, levels, guidelines as to when the organization and an officer can use force on a citizen to mitigate an imminent threat, and the legal foundation for application of proportional response as dictated by the situation presented the INP or individual officer.

12. (U) The policy defines six (6) levels of police action that can be applied by the INP. Physical presence and deterrence, verbal commands, soft and hard 'empty' hand techniques, chemical weapons such as pepper spray or tear gas, impact weapons, and firearms or other implements that can cause serious physical injury or death. ICITAP worked closely with the INP to severely restrict the use of firearms including warning shots and firing at or from a moving vehicle.

13. (U) The policy requires mandatory training, legal protection of officers under investigation for use of force, and the right for an officer to refuse to obey an order of a senior officer if the senior officer's order does not comply with the policy or prevailing laws. Prior to this policy, a subordinate did not have the express authority to question or disobey an order by a senior officer under any circumstances and were subject to discipline.

14. (U) Unique to this policy is Monitoring and Control Chapter 5 that requires the INP to complete the Use of Force Resistance Control Form anytime an officer uses hard empty hand techniques, chemical or impact weapons, or a firearm. Few countries outside the west require the documentation specified in the INP UOF Policy. The INP will use the data for conducting internal investigations, policy revision and assessment, and determination of future training needs.

15. (U) The INP and ICITAP will begin agency-wide training on the UOF Policy within the next quarter using previously developed instructor manuals and scenario-based materials. Instructors will be identified for training throughout Indonesia and full socialization may take up to six (6) months.

### IV. Conclusion

11. (U) The development and adoption of a modern UOF policy that meets international human rights and policing standards has elevated the status of the INP accountability and professionalism. The development of this policy was a difficult self-examination for the INP, but all understood this policy was requisite to prove it's commitment to the public as well as it's commitment to the professionalism of the INP.

12. For developed and modern law enforcement organizations the implementation of an actionable Use of Force Policy is crucial to protect the public and the organization from excessive use of force by the police. The INP has again made a mature organizational decision and commitment to the people of Indonesia by adopting this policy. By adopting this policy the INP has also established a performance and accountability standard as an organization on which they can be judged.

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